

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RYAN KERWIN,

Plaintiff,

v.

LT. WILLIAM MCCONELL,

Defendant.

Civil Action No. 05-93 Erie

SPECIAL INTERROGATORIES

- 1) Do you find by a preponderance of the evidence that the Plaintiff's protected activity of filing a lawsuit was a substantial or motivating factor in the Defendant's decision to issue a misconduct?

YES

YES

NO

Regardless of your answer to question 1, please continue to question 2.

- 2) Do you find by a preponderance of the evidence that the Plaintiff's protected activity of filing a grievance was a substantial or motivating factor in the Defendant's decision to issue a misconduct?

YES

YES

NO

If you have answered "no" to both questions, please do not proceed further. Please sign and date this form and notify my courtroom staff that you have completed your deliberations. My staff will then escort you back into the courtroom. If you have answered "yes" to question 1 and "no" to question 2, please proceed to question 3. If you have answered "yes" to question 1 and "yes" to question 2, or "no" to question 1 and "yes" to question 2, please proceed to question 4.

- 3) Do you find that the Defendant has demonstrated by a preponderance of the evidence that he would have made the same decision to issue a misconduct even in the absence of the filing of the lawsuit?

YES ~~YES~~ NO ~~NO~~

If you have answered "yes" to question 3, please do not proceed further. Please sign and date this form and notify my courtroom staff that you have completed your deliberations. My staff will then escort you back into the courtroom. If you have answered "no" to question 3, please proceed to question 4.

- 4) Do you find by a preponderance of the evidence that the Defendant's conduct was a substantial factor in causing the Plaintiff's injuries?

YES YES NO _____

If you have answered "yes" to this question, please continue to question 5. If you have answered "no," please do not proceed further. Please sign and date this form and notify my courtroom staff that you have completed your deliberations. My staff will then escort you back into the courtroom.

- 5) Please state the sum of money that would fairly and reasonably compensate the Plaintiff for the damages, if any, that he has sustained.

Emotional Distress (Compensatory) \$ 5,000⁰⁰
Five Thousand Dollars

(If you find that the Plaintiff's damages have no monetary value, set forth a nominal

amount not to exceed \$1.00.) Please continue to question 6.

- 6) Do you find by a preponderance of the evidence that the Defendant acted maliciously or wantonly in violating the Plaintiff's rights?

YES YES

NO _____

If you have answered "yes" to the above question, please enter the amount of punitive damages you find appropriate below:

\$ 100,000⁰⁰
 = One Hundred Thousand Dollars

Please sign and date this form and notify my courtroom staff that you have completed your deliberations. My staff will then escort you back into the courtroom.

Dated: November 28TH, 2007

James R. Klein #31 Kathleen Byrdline
 Foreperson

James S. Kiepert Barbara H. Horner

Marion C. Jones Stephen D. Hunter

David D. Welch Karen